

Rhode Island Statewide Planning Program
STATE PLANNING COUNCIL

Thursday, February 18, 2010
William E. Powers Building
Conference Room A
One Capitol Hill, Providence, RI

I. ATTENDANCE

Members Present

Mr. Kevin Flynn, Chair	Representing Mr. Gary Sasse, Chair RI Department of Administration
Mr. Christopher Long, Vice Chair	Representing Mr. Timothy Costa Statewide Planning Program
Mr. Jared L. Rhodes, II Secretary	Representing Mr. Michael Lewis, RI DOT
Ms. Diane Badorek	City of East Providence, Planning & Development
Ms. Jean Boyle	Budget Office, representing Ms. Rosemary Gallogly
Mr. Thomas Mullaney	Federal Highway Administration
Mr. Peter Osborn, ex officio	Representing Mr. Thomas Deller, Prov. Department of Planning & Development
Ms. Linda Painter	Public Member
Ms. Anna Prager	Representing William Sequino, Public Member
Mr. William Sequino	Environmental Advocate
Mr. John Trevor	West Elmwood Housing Dev. Corporation
Ms. Sharon Conard-Wells	Public Member
Ms. Janet White-Raymond	

Members Absent

Ms. Susan Baxter	RI Housing Resources Commission
Mr. Daniel Beardsley	RI League of Cities and Towns
Mr. Stephen Cardi	Cardi Corporation
Mr. L. Vincent Murray	Town of South Kingstown Planning Department
Mr. Michael Rauh	Environmental Advocate

Guests

Ms. Meredith Pickering	RI Senate
------------------------	-----------

Staff – Division of Planning

Mr. Kevin Nelson
Mr. Robert Griffith

Ms. Dawn Vittoriosio

Supervising Planner, Comprehensive Plans
Chief, Office of Strategic Planning and
Economic Development
Executive Assistant

II. AGENDA ITEMS

1. Call to Order

Mr. Flynn called the meeting to order at 9:02 a.m.

2. Approval of the January 14, 2010 Meeting Minutes

Mr. Sequino moved to approve the Minutes of January 14, 2010 as presented. The motion was seconded by Ms. Conard-Wells. There was no further discussion and the motion carried unanimously.

3. RI Comprehensive Economic Development Strategy, Five Year-Update

Mr. Flynn began by explaining to the Council that items two and three on the agenda will not be presented for action. Mr. Flynn then said that at last week's Technical Committee meeting, several recommended edits were submitted and as a result, the documents are in the process of being amended. He anticipated that they would be formally presented to the Council for action at their next meeting but indicated that he would still appreciate any feedback the Council was in a position to share at the time.

At this point, Mr. Flynn introduced Mr. Robert Griffith who began his presentation by distributing an updated copy of the RI Comprehensive Economic Development Strategy Five Year Update. Mr. Griffith noted that the updated copy reflects some of the recommendations made by the Technical Committee and includes strike outs for deleted items and underlines for added content.

Mr. Griffith next explained that the five-year update is a requirement of the Economic Development Administration (EDA); that the update serves as the basis for EDA's review of the Office of Strategic Planning and Economic Development; and that the associated EDA funding covers half of the Office's annual budget. Mr. Griffith then explained that it has been seven years since the last update was completed and that the delay in producing this report has been primarily driven by internal staffing transitions as well as the Office's continuing efforts to draft a new Economic Development Policies and Plan.

Mr. Griffith next provided a quick synopsis of the CEDS review process, noted that this year's solicitation went out on January 27, 2010 and that applications are due back in April which is one month ahead of the traditional schedule. Mr. Griffith said that the additional time will allow staff to, extensively, review and score the applications; which will then be submitted to the Council for

review. Mr. Griffith stated that this process will be completed prior to the end of the State's fiscal year.

Mr. Griffith next presented the report briefly discussing the purpose and content of each of its major sections including: Part I, Organization and Management; Part II, Analysis of Conditions; Part III, Vision; Part IV, Action Plan; and Part V, Catalytic Projects. Mr. Griffith noted that the report does not contain any recommendations. He then pointed out that the tone was strategically chosen to try to improve the chances of Rhode Island projects being awarded EDA implementation funds. He noted that EDA's funding awards are based in large part on the perceived need of the community and that as such it appeared beneficial to focus on the negative aspects of the State's current economic condition.

After providing this overview, Mr. Griffith asked the Council if anyone had any questions or comments. Ms. White-Raymond asked Mr. Griffith where comments should be directed. Mr. Griffith asked the Council to submit their comments to Bill McKenna.

Ms. Boyle referenced the Green Industry and then asked Mr. Griffith how the effort was coordinated with the Rhode Island Economic Development Corporation (RIEDC). In response, Mr. Griffith said that he has been working with Mr. Michael Walker, a member of the Technical Committee, as the principal contact person. Mr. Griffith added that in respect to energy, he has also worked with Mr. Ken Payne.

Mr. Flynn asked the Council if anyone had any other questions or comments for Mr. Griffith. As there were no further comments, Mr. Flynn asked the Council to submit their comments and recommendations to Mr. McKenna by Tuesday, February 22, 2010; so that they could be included in the next Technical Committee mailing. Mr. Flynn then mentioned an article in the Providence Journal referencing the \$22M TIGER Grant awarded to Quonset Development Corporation for Short-Sea Shipping. Mr. Flynn noted that Ms. Katherine Trapani, a former Division employee, wrote the grant request and did an excellent job with it. Mr. Flynn said he was happy to see that the grant was awarded.

As this did not require action, Mr. Flynn thanked the Council for their comments and then introduced Mr. Kevin Nelson.

4. Comprehensive Plan Assessment Process, Proposed Enabling Act Amendments

Mr. Nelson began by informing the Council that a bill had been submitted to the General Assembly as a "place holder" and that the intention is still to introduce a "Sub A" once the Council has endorsed a final draft. He then presented the revisions that had been made to the proposal since the Council's last review. These included:

- §45-22.2-2 – The insertion of June 1, 2016 as the date by which municipalities must conform their comprehensive plans to the changes in the Act. Mr. Nelson indicated that the revision was made in order to give municipalities the benefit of recent approvals.

- §45-22.2-9(g) – The addition of language to clarify that state disapproval of locally adopted amendments to a state approved comprehensive plan does not invalidate the initial State approval of the entire underlying plan.
- §45-22.2-12. - Re-titling of this section to “Maintaining and re-adopting the plan”.
- §45-22.2-13. – Clarifying the position that moratoriums can be imposed only during the immediate twelve months subsequent to the adoption of the local plan. After the twelve months, there will be no opportunities for additional moratoriums.

At this point Ms. Prager explained that she was concerned with the potential high cost of requiring that notice of planned moratoriums be provided to affected property owners via first-class mail. In response, Mr. Flynn pointed out that notifications are typically required to be sent by certified mail, return receipt requested at a cost of \$5.00 per piece; whereas this proposal only requires notification via first-class mail at the cost of \$.44 per piece. Mr. Flynn also noted that the development and planning communities shared the cost concern but did agree that some form of notice should be provided and that this was the basis for proposing the less costly first-class option. Discussion ensued and given the consensus that affected property owners should be notified; Mr. Flynn asked the Council if they had any alternative suggestions that could be considered.

Ms. Boyle responded and explained that East Providence, to reduce costs, will often combine community notifications with other regular municipal mailings such as tax or utility bills. Ms. Conard-Wells agreed that this approach could be much more cost-effective but noted that the municipalities would need to factor in the timing of the billing statements.

Ms. Prager pointed out that utilizing newspapers to provide notice is not very efficient since many people do not read them and the cost of individual advertisements is very expensive.

Mr. Nelson echoed Mr. Flynn’s comments and said that he thought that using first class mail was a reasonable compromise.

Mr. Rhodes added that staff had considered requiring the posting of signage on affected properties but that it had been ruled out given the unreasonableness of implementing it in high density urban areas. Mr. Rhodes also noted that using the more costly certified option would not even guarantee a greater level of notice since many people, for various reasons, simply refuse to sign for and pickup the correspondence.

Ms. Boyle asked if research was done to see how others were addressing the notice as well as the larger consistency issue. Mr. Nelson explained that staff had and that although several others were working to address the issue, RI was essentially on the cutting edge. Mr. Rhodes welcomed additional suggestions but reiterated that the first-class option appeared to be the most cost-effective.

As there were no further questions, Mr. Nelson continued with his review of the changes that had been made to the draft since it was last presented to Council.

- §45-22.2-13(g). - Specifying that a moratorium enacted under the provisions of section (f) shall not apply to state agencies until such time that the municipal comprehensive plan receives state approval.

- §45-22.2-13(h)(1) – Stating that failure to comply within one-hundred twenty days of the date of the implementation schedule or the expiration of the moratorium period could result in the denial or loss of state approval of the comprehensive. Mr. Nelson also mentioned that a rolling moratorium will not be allowed; therefore, additional language was added.
- §45-22.2-13(2) - Addition of language clarifying that an implementation schedule amended under this section shall not entitle a specific action to be eligible for an additional or “rolling” moratorium.

Having finished his review of Section 1, Mr. Nelson presented the content of Sections 2 through 4 noting that the proposed amendments document changes that will need to be made to other pieces of legislation in order to maintain consistency the Comprehensive Planning Act proposal.

Mr. Nelson concluded his presentation by asking if the Council had any further questions or comments. Ms. Boyle subsequently asked what the effective date of the legislation would be if approved by the Assembly. In response, Mr. Nelson distinguished between the effective date of the legislation which is listed as “taking effect upon passage”, as opposed to the date upon which municipalities would need to come into compliance with the new requirements, which is listed as June 1, 2016.

Ms. Boyle next asked if municipally adopted plans that have not received state approval would still be considered valid local regulatory tools. Mr. Nelson responded that they would and that the associated provisions had not been removed.

As there were no further comments, Mr. Flynn reiterated that a draft bill had been submitted to legislative council, that a bill number is expected to be assigned in the near future and that, pending the Council’s final action, subsequent changes would be submitted as a “Sub A”. Ms. Prager, recognizing that the builders and developers had reviewed the proposal, asked if it had been discussed with anyone in the legislature as of yet. Mr. Flynn said that, so far, it had only been discussed with the Senate Policy.

There being no further questions or comments and as action was not being requested, Mr. Flynn closed the discussion by thanking the Council for their continued input and by recognizing Mr. Nelson for his continued efforts in moving the initiative forward so effectively.

5. Chief’s Progress Report

Mr. Rhodes began by briefing the Council on two recent amendments that were made to the Transportation Improvement Program.

The first, amendment 5, was a minor amendment proposed by the Rhode Island Public Transit Authority (RIPTA) following guidance issued by the Federal Transit Administration. The amendment eliminated a \$280,000 window replacement project that RIPTA had planned for its facilities and reprogrammed those funds toward the purchase of new buses to better reflect FTA’s recent interpretation of allowable expenses for rural transit funding. DEM concurred that an Air Quality Conformity determination was not required. In accordance with the procedures for processing a minor amendment, the proposal was adopted by the Transportation Advisory

Committee (TAC) on February 4, 2010 following a public hearing and a ten-day public comment period. The Governor's office has reviewed the amendment and it was formally transmitted to FHWA and FTA for final approval.

The second, amendment 6, was for Administrative Adjustments requested by RIDOT and RIPTA. The RIDOT portion of the request aligned several drainage improvement projects in the Traffic Safety Program with RIDOT's current contracting plan. The amendment did not change the locations receiving drainage improvements or the total project costs but merely assigns the location to the proper TIP line items. Specific locations included Danielson Pike in Scituate, First Avenue at Division Street in East Greenwich, and Escoheag Hill Road in West Greenwich. The RIPTA portion of the request carried over unencumbered funds that were programmed in the FFY 2006-2011 TIP into the current TIP. In accordance with the procedures for processing administrative adjustments, the proposal was approved by the Secretary of the State Planning Council on February 10, 2010 after notice to both the State Planning Council and the Transportation Advisory Committee. Mr. Rhodes noted that the Governor's office had also reviewed the amendment and formally transmitted it to FHWA and FTA for final approval.

Mr. Rhodes next congratulated the recent comprehensive planning accomplishments of the Department of Health which has been awarded a \$3 million dollar ARRA grant from the Center for Disease Control Titled "Integrating active living into community policies". The project will be a three-year effort supported by the hire of a new full time planner position within the DOH who will work closely with the Division of Planning in implementing the grant. The goal of the grant is to identify standards, policies, methodologies and other tools that communities can integrate into their comprehensive planning process to increase the level of physical activity of its residents.

Mr. Rhodes also reminded Council members that the deadline for the second round of Safe Routes to School funding is February 24, that the Program is 100% federally funded and that approximately \$2,000, will be made available for this round.

In concluding the Chief's Progress Report, Mr. Rhodes indicated that the department had received the final Metropolitan Transportation Planning Process Recertification Report from FHWA/FTA. Mr. Rhodes said that he was pleased that the outcome was as presented at last month's meeting. Mr. Rhodes then mentioned that copies of the final documentation were emailed as promised. At this time, Mr. Osborn congratulated the department and said that he was pleased to see more commendations than findings. Mr. Flynn then thanked Mr. Osborn for the endorsement.

At this time, Mr. Flynn took a moment to advise the Council that the Division will be working on a sustainable communities planning grant application. Mr. Flynn explained that \$150M is being made available nationally for competitive grants by HUD, EPA and Federal DOT. Mr. Flynn said that notices of funding availability have not been announced and that the Division was in the process of providing input on eligible activities and funding levels.

In concluding, Mr. Flynn mentioned some recent transitions that occurred. Mr. Flynn announced that Mr. Whittaker will be retiring from the Town of East Greenwich on March 30, 2010 and thanked him for all his contributions to the profession and hard work. Mr. Flynn then announced and congratulated Mr. Mullaney, who was recently promoted to Acting Chief Budget Officer as of March 1, 2010.

6. Other Business

There was no other business.

7. Adjourn

Ms. White-Raymond motioned to adjourn. Ms. Boyle seconded the motion. The motion carried unanimously and the meeting adjourned at 10:00 A.M.

Respectfully submitted,

Jared L. Rhodes, II
Secretary